

Application No. 10/632,778
Docket No. 0156-P02889US01

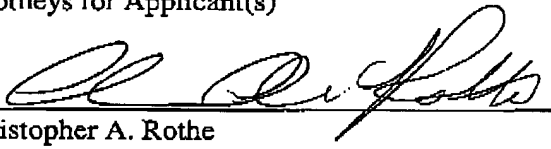
Examiner: Victor L. MacArthur
Art Unit 3679

burden on the examiner if restriction is not required. At a minimum, the latter requirement is not met. While there may be a limit to how many species can be claimed, Applicants are entitled to claim a reasonable number of species in a single application. 37 C.F.R. 1.141. The Examiner has only identified two species, both pertaining to post and railing assemblies. There is no indication that the species identified by the Examiner would fall in different classes or subclasses, or otherwise require a seriously burdensome prior art search. Therefore, the Examiner has failed to show any reason why the claimed species would create a "serious burden".

Applicants disagree with the Examiner's finding that no claim is generic to the identified species of invention. Claim 11 is a generic claim that reads on both embodiments shown in Figs. 2 and 16.

Although Applicants believe that restriction is improper and unnecessary, in order to make this response complete, Applicants provisionally elect the species in Group I, which the Examiner identifies in Fig. 2.

Respectfully submitted,
DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation
Attorneys for Applicant(s)

By 
Christopher A. Rothe
PTO Registration No. 54,650

Tel.: 215-563-4100
Fax: 215-563-4044
email: crothe@ddhs.com